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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,177	02/09/2001	James D. Hooberman	HCI-10002/38	8403
25006	7590	06/01/2007		
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C PO BOX 7021 TROY, MI 48007-7021			EXAMINER USTARIS, JOSEPH G	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/780,177	HOOBERMAN, JAMES D.	
	Examiner	Art Unit	
	Hai Tran	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/19/2007 has been entered.

Response to Arguments

Applicant's arguments filed 03/19/2007 have been fully considered but they are not persuasive.

Applicant argues, "As the prior art of record nowhere teaches the combination of information links recited in pending claim1."

In response, the Examiner respectfully disagrees with applicant because that " a Web link to information of sleep-related research, sleep products, and a sleep discussion chat room" is notoriously well known in the art to provide to user a single point of access so to help user to obtain as much information as needed. The examiner cited the web link: www.stanford.edu/~dement/sleeplinks.html to support.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US 5982414) in view of www.stanford.edu/~dement/sleeplinks.html.

Claim 1, Yoshida discloses a virtual sound system (see Fig. 1 and 2) comprising a network-based program (bi-directional signal distribution system; i.e. CATV or Internet ; Col. 1, lines 56-Col. 2, lines 15) for generating repetitive sleep including sound having a frequency between 3 and 30Hz at a user location (Col. 5, lines 18-30; Col. 7, lines 35-Col. 8, lines 60);

An access network for accessing the network-based program at the user location for generating the repetitive sleep inducing sound (Col. 9, lines 28-38).

Yoshida discloses the program could be link or delivered from Internet (Col. 9, lines 35-38).

Yoshida does not clearly disclose the web/internet link to information of sleep related research, sleep products and a sleep discussion chat room.

A Web link www.stanford.edu/~dement/sleeplinks.html discloses the use of the web page "Links to other sleep sites" to link to corresponding web sites for retrieving additional research information, to a Chat room/forum and product information of a particular topic of interest, i.e., sleep disorder issues, is well known

in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yoshida to have URLs link www.stanford.edu/~dement/sleeplinks.html to related Web sites for the benefit of providing users with additional information related to sleep disorder issues.

Claim 4, Yoshida further discloses a sound controller selected from the group consisting of volume control and sound play duration (see Fig. 4 with volume control and Fig. 5 for time duration of usage).

Claim 5, Yoshida further discloses a visual stream changing in concert with the sound (Col. 7, lines 35-50 and Col. 7, lines 59-Col. 8, lines 40).

Claim 6, Yoshida further discloses an alarm clock routine (Col. 7, lines 19-22; Col. 8, lines 53-60).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
05/25/2007


HAITRAN
PRIMARY EXAMINER